

## AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A device for use in a cardiovascular surgery to stabilize the beating heart comprising:

a shaft having a proximal end portion and a distal end portion;

a contact member attached to said distal end portion of said shaft, said contact member comprising a flexible main body having a contact surface and an elongated malleable member extending along a length of said flexible main body member;

wherein said malleable member is shapeable to engage the surface of the beating heart, wherein said malleable member is continuously adjustably shapeable by manipulation thereof to a desired shape, and wherein upon release of manipulation forces, said malleable member maintains said desired shape and maintains said a contact surface in said desired shape; and

wherein said shaft has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact member to exert a stabilizing force on the beating heart.

Claims 2-223. (Canceled)

224. (Currently Amended) The device of claim 1, wherein introduction of positive or negative pressure to said contact member fixes a present shape of said contact surface ~~is continuously adjustable~~.

225. (Previously Presented) The device of claim 1, wherein said contact member further comprises a vacuum lumen connectable to a source of positive or negative fluid pressure.

226. (Previously Presented) The device of claim 1, wherein said elongated malleable member is substantially cylindrical.

227. (Previously Presented) The device of claim 1, wherein said elongated malleable member comprises a wire.

228. (Previously Presented) A device for use in cardiovascular surgery on the beating heart, comprising:

a shaft member having a distal end portion and a proximal end portion; and

at least one continuously adjustable contact member connected to said distal end portion of said shaft member and comprising a flexible main body member having a contact surface and an elongated malleable member extending along a length of said flexible main body member;

wherein said malleable member is shapeable to engage the surface of the beating heart, wherein said malleable member is continuously adjustably shapeable by manipulation thereof to a desired shape, and wherein upon release of manipulation forces, said malleable member maintains said desired shape and maintains said contact surface in said desired shape.

229. (Previously Presented) The device of claim 228, wherein said contact member further comprises a vacuum lumen connectable to a source of positive or negative fluid pressure.

230. (Previously Presented) The device of claim 228, wherein said shaft member is configured to assume a rigid configuration in which said shaft member has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact member to exert a stabilizing force on the beating heart.

231. (New) A device for use in a cardiovascular surgery to stabilize the beating heart comprising:

a shaft having a proximal end portion and a distal end portion;

a contact member attachable to the distal end portion of the shaft, said contact member comprising:

a flexible main body having a contact surface and an elongated malleable member extending along a length of the flexible main body member; and

a vacuum lumen connectable to a source of positive or negative fluid pressure;

wherein said contact member when attached to the distal end portion of the shaft (i) is shapeable to engage the surface of the beating heart, (ii) is continuously adjustably shapeable by manipulation thereof to a desired shape, and (iii) maintains the desired shape and maintains the contact surface in the desired shape upon release of manipulation forces; and

wherein the shaft has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of the shaft to cause the contact member to exert a stabilizing force on the beating heart.

232. (New) The device of claim 231, wherein introduction of negative pressure to said contact member fixes a present shape of said contact surface is continuously adjustable.

233. (New) The device of claim 231, wherein the elongated malleable member is substantially cylindrical.

234. (New) The device of claim 231, wherein the elongated malleable member comprises a wire.